

OLL 84-0380

1 FEB 1984

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

FROM: Clair E. George
Director, Office of Legislative Liaison

SUBJECT: Draft Fiscal Year 1985 Intelligence
Authorization Bill

1. Attached at Tab A for your signature is a letter to Office of Management and Budget (OMB) Director David A. Stockman transmitting the draft Intelligence Authorization Bill for Fiscal Year 1985. Attached at Tab B is a copy of the draft Bill. Comments were received from a number of Agency components concerning an earlier draft of this bill and these comments have been incorporated in the revised version attached at Tab B, which will be transmitted to OMB for review and approval.

2. The vast majority of the comments received from Agency components concerned two proposals which addressed the unauthorized disclosure of classified information. One of these proposals was designed to facilitate the criminal prosecution of Government employees and officers who provide classified information to individuals who are not authorized to receive such information. The second proposal was a National Security Agency (NSA) initiative which provided civil remedies for the unauthorized disclosure of signal intelligence information. Given the current atmosphere on the Hill with respect to NSDD 84, the fact that neither of these proposals has virtually any chance of being ultimately enacted into law in this session of Congress, and that any possible leak of these proposals could result in considerable unfavorable media exposure and criticism of the Agency as the sponsor of these legislative initiatives, we have omitted these two proposals from the attached draft Authorization Bill. The Office of General Counsel (OGC) concurs in this decision.

3. With respect to the above criminal provision addressing unauthorized disclosures, you will recall that we obtained OMB clearance for this same proposal during last year's authorization process. Because OMB approval for this initiative was obtained last year, this provision can easily be reinserted in the Authorization Bill or separately pursued as a

free-standing bill apart from the authorization process if there is a change in Congressional mood with respect to NSDD 84 and the leaks area. As to the above NSA proposal, NSA is still free to seek OMB clearance for this proposal as a free-standing initiative rather than as part of the Authorization Bill.

4. With respect to the attached draft Bill, Titles I through III and Title VII of this Bill are, for the most part, routine in nature and similar to comparable provisions contained in the Fiscal Year 1984 Authorization Act. Title IV, which provides for the modification of certain naturalization requirements, is an initiative which was included in last year's Authorization Bill and approved by OMB. Title V provides certain needed technical amendments to the Classified Information Procedures Act. Title VI contains two legislative initiatives which were included at various stages in last year's Authorization Bill. These proposals address executive level schedule increases for the Director of Central Intelligence and Deputy Director of Central Intelligence and the avoidance of penalties for mandatory retirement prior to age 62. Title VI also contains three new proposals drafted by OGC which make clear that Agency personnel, security and other administrative actions are not subject to laws having general Government-wide application such as the Administrative Procedures Act; which specifically authorize Agency employees to testify in alias when their employment relationship with the Government is classified and the fact of such employment is not material to the litigation at issue; and which authorize the Agency to exercise certain security-related powers which may be delegated by the General Services Administration to the Agency to protect Agency facilities.

5. As you know, the Agency at this stage in the authorization process is simply attempting to obtain Administration clearance for the attached proposals. By obtaining such clearance, we are not committed or otherwise obligated to pursue any of these initiatives, or to incorporate these proposals in the final draft Authorization Bill which is submitted to Congress.

/s/ Clair E. George

Clair E. George

Attachments

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Central Intelligence Agency



Washington, D.C. 20505

2 FEB 1984

Executive Secretary
84-574

The Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

In accordance with Office of Management and Budget Circular No. A-19 (revised), I am submitting proposed legislation for your advice as to whether it is in accord with the President's program. Enclosed are ten copies of the proposed "Intelligence Authorization Act for Fiscal Year 1985," with accompanying draft letters of transmittal to the President of the Senate and to the Speaker of the House of Representatives.

The Fiscal Year 1985 Intelligence Authorization Act was identified as proposal number 98/2-2 in the proposed Central Intelligence Agency and Intelligence Community Legislative Program for the second session of the ninety-eighth Congress which was recently forwarded to your Office with the consolidated National Foreign Intelligence Program budget. The basic provisions of the proposed Fiscal Year 1985 Intelligence Authorization Act are similar in substance to those contained in the Fiscal Year 1984 Act. You will recall that Title IV of this proposed bill entitled "Modification of Certain Naturalization Requirements," was approved by the Office of Management and Budget last year for inclusion in the Fiscal Year 1984 Authorization Bill to be submitted to Congress. Additional provisions are explained in a detailed section-by-section analysis.

I would be most appreciative of your assistance in securing prompt clearance of this proposed legislation.

Sincerely,

WJ Casey

William J. Casey
Director of Central Intelligence

Enclosures

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Next 26 Page(s) In Document Denied